

House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

CHAPTER 141

# HOUSE BILL 2528

AN ACT

AMENDING SECTION 12-511, ARIZONA REVISED STATUTES; RELATING TO CIVIL ACTIONS  
ARISING FROM CRIMINAL CONDUCT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-511, Arizona Revised Statutes, is amended to  
3 read:

4 12-511. Civil action arising from criminal conduct; definitions

5 A. Notwithstanding section SECTIONS 12-505 AND 12-542, IF A DEFENDANT  
6 IS CHARGED BY A CRIMINAL COMPLAINT OR INDICTMENT the statute of limitations  
7 for any civil cause of action that is brought by a victim against a- THE  
8 defendant for criminal conduct against the victim is ~~as follows:~~ EXTENDED FOR  
9 ONE YEAR FROM THE FINAL DISPOSITION OF THE CRIMINAL PROCEEDINGS, REGARDLESS  
10 OF WHETHER THE DEFENDANT IS CONVICTED OF CRIMINAL CONDUCT AGAINST THE VICTIM.

11 ~~1. If the defendant is convicted of criminal conduct against the~~  
12 ~~victim, the statute of limitations is extended for one year from the time the~~  
13 ~~conviction becomes final.~~

14 ~~2. Regardless of whether the defendant is convicted of criminal~~  
15 ~~conduct against the victim, the statute of limitations is tolled from the~~  
16 ~~time the defendant is charged by a criminal complaint or indictment until the~~  
17 ~~final adjudication of the criminal prosecution of the defendant.~~

18 ~~B. If the civil cause of action brought pursuant to subsection A of~~  
19 ~~this section arises out of more than one incident of criminal conduct~~  
20 ~~included in the conviction, the statute of limitations prescribed by~~  
21 ~~subsection A of this section shall run from the date of the last incident of~~  
22 ~~criminal conduct or conviction.~~

23 ~~C. B. There is no duty under a policy of insurance to defend or~~  
24 ~~indemnify for any loss resulting from criminal conduct as defined by this~~  
25 ~~section if the civil action is not commenced within the time period that~~  
26 ~~would be applicable without any tolling or extension of the statute of~~  
27 ~~limitations pursuant to this section.~~

28 ~~D. C. This section does not toll or extend any statute of limitations~~  
29 ~~applicable to a civil cause of action brought against the employer or former~~  
30 ~~employer of any defendant who is subject to this section.~~

31 ~~E. D. This section does not shorten any other applicable tolling~~  
32 ~~provisions.~~

33 ~~F. E. In any action brought pursuant to this section, the standard of~~  
34 ~~proof is by the preponderance of the evidence.~~

35 F. THIS SECTION APPLIES TO ALL CASES IN WHICH THE VICTIM FILES A CIVIL  
36 ACTION WITHIN ONE YEAR AFTER THE FINAL DISPOSITION OF THE DEFENDANT'S  
37 CRIMINAL PROCEEDINGS, REGARDLESS OF WHEN THE DEFENDANT COMMITTED THE CRIMINAL  
38 CONDUCT.

39 G. For the purposes of this section:

40 1. "Civil cause of action" means any civil claim that the victim could  
41 have brought against the defendant ~~only~~ for criminal conduct committed  
42 against the victim regardless of whether any of these incidents were  
43 criminally prosecuted.

44 2. "Criminal conduct" means any act, INCLUDING ALL PREPARATORY  
45 OFFENSES, in violation of section 13-1103, 13-1104, 13-1105, 13-1202,

1 13-1203, 13-1204, 13-1208, 13-1304, 13-1404, 13-1405, 13-1406, 13-1406.01,  
2 13-1410, 13-1417, 13-2314.04, 13-2915, 13-2916, 13-2921, 13-2921.01, 13-3019,  
3 13-3552, 13-3553, 13-3554, 13-3601 or 13-3601.02.  
4 3. "Defendant" means a natural person.  
5 4. "Final disposition" has the same meaning prescribed in sections  
6 8-382 and 13-4401.  
7 5. "Victim" has the same meaning prescribed in sections 8-382 and  
8 13-4401.

APPROVED BY THE GOVERNOR APRIL 18, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2005.

Passed the House February 22, 2005

by the following vote: 49 Ayes,

7 Nays, 4 Not Voting

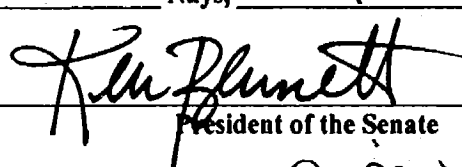
  
Speaker of the House

  
Chief Clerk of the House

Passed the Senate April 12, 2005

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

  
President of the Senate

  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

13<sup>th</sup> day of April, 2005

at 12:00 o'clock P. M.

  
Secretary to the Governor

Approved this 18 day of

April, 2005,

at 1<sup>st</sup> o'clock P. M.

  
Governor of Arizona

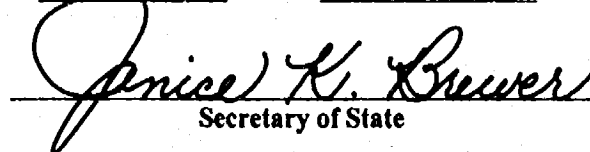
H.B. 2528

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2005,

at 4:42 o'clock P. M.

  
Secretary of State